

RPZ/dpt
5/7/02



PATENT APPLICATION
Docket No.: 301928.3000-100
Prior Docket No. 01-1722

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gerald Cowley, John Y. Mason, Sameh F. Eltomi and Darrell L. Dechant
Application No.: 09/9⁹77,694
Filed: November 30, 2001
Title: Methods for Using Chlorine Dioxide as a Fumigant

COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231	
on <u>5/7/02</u>	<u>[Signature]</u>
Date	Signature
Denise Thibeault	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated December 13, 2001, the following documents and fees are being submitted for filing in the captioned application. A copy of the Notice is attached.

- ☒ **EXECUTED DECLARATION/POWER OF ATTORNEY**
(Separate transmittal letter and postcard not required)
- ☐ **FILING FEE** – with Fee Transmittal for Patent Applications in duplicate.
(Separate transmittal letter and postcard not required)
- ☒ **SURCHARGE** – surcharge fee of \$130 or 65.
(Separate transmittal letter and postcard not required)
- ☐ **SEQUENCE LISTING** – Filed concurrently and is attached.
(Separate transmittal letter and postcard not required)
- ☐ **TRANSMITTAL OF SUBSTITUTE DRAWINGS**
[] Sheets of substitute drawings consisting of Figs. 1 – [] are enclosed.
(Separate transmittal letter and postcard not required)
- ☒ **OTHER** – Request for Reimbursement; Declaration of Kwame Brown; and Exhibits A, B and C

[X] PETITION FOR EXTENSION OF TIME

[X] Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated December 13, 2001 for three (3) month(s) from February 13, 2002 to May 13, 2002.

The appropriate fee of \$920.00 is included in the enclosed check.

[] A months extension of time to respond to the Notice to File Missing Parts dated was filed on with payment of a \$ fee.

[] Applicant hereby petitions for an additional month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$ is included in the enclosed check.

(Separate transmittal letter and postcard not required)

[] REQUEST FOR CORRECTED FILING RECEIPT – Filed concurrently and is attached.

(Separate transmittal letter and postcard not required)

[] STATEMENT CLAIMING SMALL ENTITY STATUS

[] Was filed on .

[] Is enclosed herewith.

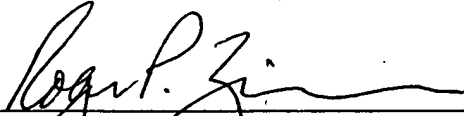
(Separate transmittal letter and postcard not required)

[] In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$ which were paid on to be deposited in Deposit Account No.50-1935.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1,050.00. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 50-1935. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

BOWDITCH & DEWEY, LLP

By 

Roger P. Zimmerman

Registration No: 38,670

Tel.: (508) 879-5700

Fax.: (508) 292-3073

Framingham, Massachusetts 01701

Date: May 7, 2002

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REQUEST FOR REIMBURSEMENT UNDER 37 C.F.R. § 1.26

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant's Attorney respectfully requests a reimbursement of **\$810.00**, the difference in the fees for a three (3) month extension of time and an one (1) month extension of time. Fees were paid on May 7, 2002; the reimbursement should be deposited in Deposit Account No. 50-1935. This request is made within the time period allowed for such reimbursement pursuant to 37 C.F.R. § 1.26.

This Request accompanies a response to the Notice to File Missing Parts of Non-provisional Application and a petition for a three-month extension of time being filed concurrently herewith. The Notice of Missing Parts of Non-provisional bears a mailing date of December 13, 2001. However, the Notice was not received until February 12, 2002, the day before the response was due. See the attached Declaration of Kwame Brown and accompanying Exhibits A-C. It was thus impossible to file a timely response.

Applicant respectfully requests a reimbursement of the difference in the fees for a three (3) month extension of time and an one (1) month extension of time since two months of the delay was due to factors beyond the Applicant's control. Applicant further requests that the two months not be counted as an offset against any term extension that may be available under the American Inventors Protection Act.

Applicant believes that no fees are due for filing a Request for Reimbursement under 37 C.F.R. § 1.26. However, please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 50-1935. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

BOWDITCH & DEWEY, LLP

By *Roger P. Zimmerman*

Attorney: Roger P. Zimmerman

Registration No.: 38,670

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Framingham, Massachusetts 01701-9320
Dated: May 7, 2002